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7 EDISSION WILSON MERO CASTRO

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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **WESTERN DIVISION**

12 UNITED STATES OF AMERICA,

Case No. CR 19-88-PA

13 Plaintiff,

**DEFENDANT MERO'S POSITION  
RE SENTENCING**

14 v.

15 EDISSION WILSON MERO CASTRO,

16 Defendant.

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18 Defendant, Edisson Wilson Mero Castro, by and through his counsel of record,  
19 Deputy Federal Public Defender Kim Savo, respectfully requests that the Court  
20 sentence him consistently with the parties' plea agreement to a 46-month term of  
21 imprisonment with a 23-day reduction to account for the time he spent in custody prior  
22 to being presented to a federal magistrate.

23 Respectfully submitted,

24 **HILARY POTASHNER**  
25 Federal Public Defender

26 DATED: September 4, 2019

27 By /s/ Kim Savo

28 **KIM SAVO**  
Deputy Federal Public Defender  
Attorney for Edisson Wilson Mero Castro

## I. MEMORANDUM

Edisson Wilson Mero Castro, an illiterate Ecuadorian fisherman, agreed to help drive a panga-type boat<sup>1</sup> with three outboard motors and a load of drugs across the open ocean in exchange for \$2,000. It turns out, he was lucky to be paid rather than kidnapped. *See* S. Inzuna and P. Ferri, *Ecuador's Cocaine Pirates: Part I*, Mar. 14, 2014, available at <https://www.insightcrime.org/news/analysis/ecuadors-cocaine-pirates-part-i/> and *See* S. Inzuna and P. Ferri, *Ecuador's Cocaine Pirates: Part I*, Mar. 16, 2014, available at <https://www.insightcrime.org/news/analysis/ecuadors-cocaine-pirates-part-ii>, attached as Exhibit A. Mr. Mero Castro's family was hungry; his daughter needed surgery; small fishermen like himself are no longer able to survive the competition of commercial fishing vessels and the decline in the price of shrimp and tuna. PSR ¶25, 53-54. The economic situation for the Mero Castro family and all of the residents of the village in Jaramijó dramatically worsened after an earthquake struck the area in April 2016. Dozens of similarly situated impoverished fisherman from Mr. Mero Castro's village have been arrested and charged with drug trafficking crimes in the United States. *See* L. Higgins, *Mexican Cartels Recruit Ecuadorian Fisherman to Transport Drugs; 12 Have Been Jailed in the U.S. This Year*, Dec. 6, 2017, available at <https://cuencahighlife.com/mexican-cartels-recruit-poor-ecuadorian-fishermen-to-transport-drugs-12-have-been-jailed-in-the-u-s/>, attached as Exhibit B. Two years since the publication of the article in Exhibit B, poor fishermen like Mr. Mero Castro continue to accept small sums of money --to them a fortune-- to attempt to smuggle drugs into North America, giving the lie to arguments about lengthy prison sentences to achieve general deterrence. The price of the war on drugs continues to be paid by the poor and desperate at the bottom of the drug trafficking hierarchy.

<sup>1</sup> The government can label the wooden fishing boat a “go-fast vessel;” the label doesn’t change the reality: the boat was an open-topped, wooden fishing boat rigged with an additional two outboard motors to make a long ocean crossing, no different from the boats encountered in marijuana smuggling cases often referred to in this district as “panga boat cases.”

Unlike most federal arrestees, Mr. Mero Castro and others caught by the U.S. Coast Guard in the Eastern Pacific are not immediately brought before a magistrate and expeditiously assigned lawyers. The Coast Guard arrested Mr. Mero Castro on February 2, 2019, off the coast of the Galapagos Islands and were held on a Coast Guard ship. Although Mr. Mero Castro was reluctant to voice complaints about the conditions of his confinement, an investigative reporter with the New York Times, interviewed numerous others who were detained on Coast Guard ships pending their transfer to federal law enforcement agents, and who described appalling conditions. *See S. Wessler. The Coast Guard's 'Floating Guantánamos.'* THE NEW YORK TIMES (Nov. 20, 2017), attached as Exhibit C. While Mr. Mero Castro and his co-defendants were still on board the Coast Guard ship en route to Florida, a grand jury in this district indicted them. The Coast Guard ship arrived in Ft. Lauderdale on February 22, 2019. DEA Agents did not present Mr. Mero Castro and his co-defendants to a magistrate judge until February 25, 2019. *See United States v. Mero Castro*, Docket No. 0:19-mj-06088-BSS (S.D.Fl.) In the meantime, he was held in the Broward County Jail. He made his initial appearance in this district on March 25, 2019. Under these circumstances, the Court should reduce the sentence it imposes by the amount of time Mr. Mero Castro was held in custody before he was formally federally arrested because the Bureau of Prisons will not otherwise credit that time when it calculates his release date.

Forty-six months (less the time he was detained prior to being formally federally arrested) is more than adequate to punish Mr. Mero Castro for his role as the operator of one motor on the boat and to achieve specific deterrence. Mr. Mero Castro could not have fathomed what would happen to him upon being captured by the Coast Guard.

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1 He recognizes that his continuing absence from his family puts them in an even worse  
2 financial situation than before he risked everything for \$2,000.

3 Respectfully submitted,

4 HILARY POTASHNER  
5 Federal Public Defender

6 DATED: September 4, 2019

7 By /s/ Kim Savo

8 KIM SAVO  
9 Deputy Federal Public Defender  
10 Attorney for Edisson Wilson Mero Castro

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